



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

INTRODUCTION TO JURISTIC PSYCHOLOGY. By P. C. Bose. Calcutta: Thacker, Spink, and Company.

The idea of Mr. Bose's book is admirable. It is becoming yearly more evident that in the formulation of juristic theories full account must be taken of the advance of psychological science. We have too little realized how there lies implicitly in the theories of jurisprudence some theory as to human nature of Bentham, of Jhering; even of Duguit this is almost startlingly the case. Nor is it less true of the psychology of law in action. Criminology has been little less than revolutionized by the scientific analysis of character. No theories of procedure can be adequate which do not take account of what is known of perception and memory, of confession and the unconscious mind. It is, indeed, hardly too much to say, that the apparatus of law in the future will demand its psychological experts, not less surely than it demands today its medical and technical witnesses.

A book which should sum up the present stage of knowledge, and should indicate the substance of things hoped for, is greatly to be desired. Unfortunately it is with an entirely different book that Mr. Bose has provided us. He has, with marvelous industry and patience, culled from literally hundreds of sources quotations with a bearing upon the psychology of law, all of them interesting in themselves, but never at any point so orientated as to give birth on his part to philosophic speculation. Much of his material belongs rather to a textbook on formal psychology than to a treatise of special character. Chapters like those on "Life and Mind" are not only inadequate in themselves, but leave the reader in baffled doubt as to whether Mr. Bose really understands what are the essentials of a psychology of law. Quotation is heaped upon quotation without any visible process of induction. At no place is there any indication as to their source. Modernities, like Freud and Mercier, jostle the antiquated speculations of goodly ecclesiastics, like Archbishop Whately and old-time physiologists, like Carpenter. Tarde and Lombroso are quoted without any indication of their relative value. Tolstoi and J. M. Baldwin, Plowden, and a Mr. J. H. King, all seem to come as equal nourishment to the author's voracious appetite. One title is perhaps as good as another; but it is somewhat humorous to call the book a juristic psychology.

Probably the difficulty of using compositors imperfectly acquainted with the English language accounts for the enormous mass of irritating typographical blunders.

H. J. L.

INTERNATIONAL CONVENTIONS AND THIRD STATES. A Monograph by Ronald F. Roxburgh. Longmans, Green & Company. 1917. pp. xvi, 119.

This monograph forms one of the series entitled "Contributions to International Law and Diplomacy," edited by Professor Oppenheim of Cambridge University. The monograph was prepared by Mr. Roxburgh, recently Whewell International Law Scholar at Cambridge.

Before the matter of treaties is considered, chapters are given upon third parties and contracts in municipal law, and upon the opinions of publicists. The influence of Roman law interpretations is traced both in state laws and in the opinions of the publicists.

Mr. Roxburgh says that "The practice of states wholly confirms the unanimous view of publicists that a third state cannot incur legal obligation under a treaty to which it is not a party." In support of this he cites the practice of the United States in regard to the observance of the treaties closing the Bosphorus and the Dardanelles. The United States has acquiesced in the exclusion, though affirming that its action is to be regarded as a matter of grace. Here the question may arise whether the formal statements of the United States, disclaiming the obligation to observe the treaty provisions,

outweighs the practice of the United States in observing the rules for many years (page 30). Indeed Mr. Roxburgh's statement on page 95 should be read in connection with this section: "When a state in adopting a new practice makes an express proviso that it does so from motives of convenience or courtesy, this proviso will for a certain time prevent the growth of a conviction of legal duty; but if the practice is continued, and the proviso is not renewed, after lapse of time the proviso will cease to be effective, and a customary rule will grow up."

Mr. Roxburgh in maintaining that if "the treaty infringes the legal rights of a third state, that state is immediately entitled to intervene" (page 32), seems to go further than Professor Oppenheim would sanction, unless the word "intervene" be regarded as equivalent to "take action to maintain a right," or unless there be some *act* by one of the parties to the treaty constituting an actual violation of the right of the third state. Some of the cases mentioned as grounds for intervention seem to be just grounds for action to maintain a right, or even for retaliation, while hardly grounds for intervention in the technical sense.

In the chapter on treaties beneficial to third states there seems to be a tendency to give the policy of neutralization when embodied in treaty a legal standing, even for parties who have not signed the treaties.

Speaking of the Hay-Pauncefote treaty in regard to the Panama Canal, the author says that "it is very probable that in the course of time this treaty will become the basis of a rule of customary international law," even though now under this treaty between two states and under the principle *pacta tertiis nec nocent nec prosunt*, no rights may have accrued to third states.

In order to make the attitude of the United States clear in regard to the Declaration of Paris, it would be necessary to add on page 93 that the President on April 26, 1898, declared that the United States would "adhere to the rules of the Declaration of Paris."

There would be a considerable difference of opinion on the view which Mr. Roxburgh seems to support that a lease of territory by one state to another implies a change in sovereignty which must be recognized by a third state. His contention that the owner of a servitude enjoys a right *in rem*, however, shows the recent tendency.

There is throughout, as always in the use of an analogy, danger in pressing it too far. In using the analogy of treaties and contracts it should be shown that both bind the states parties to them, but that treaties in addition may partake of the nature of legislation as viewed from the obligation of nationals of the states. Legal rights and obligations having treaty sources often give rise to international difficulties through conflict of law. In this brief treatment the field of war and neutrality has scarcely been touched. Nevertheless it is fair to say that whether or not the conclusions of the book are accepted, it is entitled to a place in the series "Contributions to International Law and Diplomacy."

G. G. WILSON.

ROMAN LAW IN THE MODERN WORLD. By Charles Phineas Sherman. Three Volumes. Boston: The Boston Book Company, 1917. Volume I, History of Roman Law and its descent in English, French, German, Italian, Spanish, and other Modern Law, pp. xxvii, 413. Volume II, Manual of Roman Law illustrated by Anglo-American Law and Modern Codes, pp. xxxii, 496. Volume III, Subject Guides to the Texts of Roman Law, to Modern Codes and Legal Literature; Index to Volumes I-III, pp. 315.

A book is in part, at least, to be measured by its own measure. This work, by one who has for years been a teacher of Roman law, in a school that has been